

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

LARCIA FARENTTA PETERSON,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.: 1:11-CV-160 (WLS)
	:	
JOSEPH BADEN, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER

Before the Court is a Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed October 11, 2012. (Doc. 23). It is recommended that Defendants' Motion to Dismiss (Doc. 20) be granted and that this action be dismissed as to all defendants. (*Id.* at 2-3).

The Recommendation provided the Parties with fourteen (14) days to file written objections to the recommendations therein. (*Id.*) The period for objections expired on Tuesday, October 29, 2012; no objections have been filed to date.^{1 2} (*See* Docket).

Upon full review and consideration upon the record, the Court finds that said Recommendation (Doc. 23) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly,

¹ Judge Langstaff's Recommendation was delivered to Plaintiff via mail, but was returned as undeliverable. (Doc. 24). Plaintiff is required to keep the Clerk of Court advised of his current address and failure to do so constitutes appropriate grounds of dismissal of the instant action. On July 8, 2012, Judge Langstaff ordered Plaintiff to show cause as to why this case should not be dismissed for failure to diligently prosecute the case. (Doc. 18). Again, the Court's Order was delivered to Plaintiff via mail, but was returned as undeliverable. (Doc. 19).

² On November 19, 2012, far after the period for objections had expired, Plaintiff filed a Motion to Appoint Counsel and Not to Dismiss Plaintiff's Complaint (Doc. 26). Plaintiff asserted that due to knee surgeries, he was unable to work and lost all his possessions. Plaintiff offers no specific dates for his surgeries that would have prevented him from responding, no explanation for why he did not keep the Court advised of his current address, and no objections to Judge Langstaff's Recommendation. Accordingly, the Court, even if it did consider Plaintiff's Motion (Doc. 26) as an Objection, finds that it fails to rebut the legally sound recommendation of Judge Langstaff.

Defendants' Motion to Dismiss (Doc. 20) is **GRANTED** and this action is **DISMISSED** as to all defendants.

SO ORDERED, this 7th day of February, 2013.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT**